

IN RE: PETITION FOR SPECIAL HEARING  
WE East Ruhl Road, .35 miles  
north of Peterson Road  
(21625 N. Ruhl Road)  
6th Election District  
3rd Councilmanic District  
Grant G. Colledge, et ux  
Bernard T. Herzberg, et ux  
Joseph A. Sorrentino, et ux  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE # 89-475-SPH

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request Special Hearing to approve a non-density transfer which would allow for the reconfiguration of two parcels of land, requiring the approval of a non-density transfer with no increase in the overall density permitted, as more particularly described on Petitioners' Exhibit 1 & 1A.

The Petitioners, Grant G. Colledge, Janna Colledge, Bernard T. Herzberg, Lorraine M. Herzberg, Joseph A. Sorrentino and Marie Sorrentino, appeared, testified and were represented by attorney, Theodore C. Denick. There were no Protestants.

Central to an understanding of this case is an understanding of the recent parcel history of the tract in question which is briefly summarized herein. By deed dated January 12, 1985, Liber 6865, folio 694, marked Petitioners' Exhibit 4, Mr. and Mrs. Grant Colledge, Petitioners, acquired from Mr. and Mrs. Wildason that lot of ground consisting of 12.3 acres and designated as lots 1 (4.0 acres +/-), 2 (3.6 acres +/-) and the non-density parcel (4.7 acres +/- marked and designated as such by the Zoning Commissioner) out of the tract commonly referred to as "The Wildason Property". By deed dated July 23, 1986, Liber 7244, Folio 722,

marked as Petitioners' Exhibit 5, Mr. and Mrs. Colledge acquired from Mr. and Mrs. Wildason the 5.2 acre parcel more specifically described in Liber 5407, Folio 059, marked as Petitioners' Exhibit 6, which is currently improved with a two story brick dwelling and barn, said property being located on the west side of East Ruhl Road. By deeds dated July 22, 1986, Liber 7235, Folio 383, marked as Petitioners' Exhibit 7, and Liber 7235 Folio 395, marked as Petitioners' Exhibit 8, Colton-Pace, Inc., acquired the aforementioned lots 1 & 2 from Mr. and Mrs. Colledge. By deed dated April 16, 1987, Liber 7543, Folio 789, marked as Petitioners' Exhibit 9, Mr. and Mrs. Joseph Sorrentino, Petitioners, acquired from Colton-Pace, Inc., Lot #1. By deed dated July 29, 1987, Liber 7634, Folio 419, marked as Petitioners' Exhibit 10, Mr. and Mrs. Walter H. Smith III, who are not participants in this case, acquired lot 2 from Colton-Pace, Inc. By deed dated January 22, 1988, Liber 7783, folio 770, marked as Petitioners' Exhibit 11, Mr. and Mrs. Bernard T. Herzberg, Jr., Petitioners, acquired lot 2 from Mr. and Mrs. Smith.

Testimony and supporting documentation indicated that the subject property tract, commonly referred to as the "Wildason Property", consists of 17.5 acres more or less and is currently zoned R.C.2. The Sorrentinos indicated that in February of 1987, Colton-Pace, Inc., the former owners of lots 1 and 2, represented to Petitioners that said lots are zoned R.C.2 and suitable for residential development in accordance with the Petitioners' plans. Subsequent to settlement on lots 1 and 2, the Sorrentinos' builder, A. Thomas Rayner, attempted, without success, to acquire the requisite building permits to begin construction. Mr. Rayner was advised by the Zoning Office that the subdivision comprising lots 1 and 2 and the non-density 4.7 acre parcel were created from the parcel

described in Liber 5420, Folio 208, that said subdivision was in conflict with Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, as such, the requested building permit could not be issued. Mr. and Mrs. Herzberg, owners of lot 2, found themselves confronted with the same predicament.

The Petitioners, thereupon, filed the Petition for Special Hearing.

Testimony and evidence presented indicated the Petitioners have expended a considerable amount of time and money in preparation for construction of their respective homes. The proposed reconfiguration will require combining the non-density 4.7 acre parcel with the 5.2 acre parcel, which abuts the western side of East Ruhl Road. Both the non-density 4.7 acre parcel and the 5.2 acre parcel are currently in the name of Mr. and Mrs. Grant Colledge.

After the transfer and consolidation, if the Colledges, or their successors in title, decide to subdivide the resulting 9.9 acre +/- parcel, said parcel will be permitted two density units only.

The issue here is whether or not the combination of the non-density 4.7 acre parcel with the 5.2 acre parcel bordering the west side of East Ruhl Road, both parcels being owned by Mr. and Mrs. Colledge, is consistent with the B.C.Z.R.

Section 1A00.1 of the B.C.Z.R. explains the Baltimore County Council's intent in creating the R.C. classifications. The concern was evident that agricultural land was being converted by development without sound planning considerations; i.e., that development was creating "urban sprawl" and undesirable land use patterns. The Council wanted to protect prime agricultural land, critical watershed areas, mineral extractive sites, as well as other important natural resource areas.

To achieve this result, the R.C. classification would: (1) encourage present land use patterns of development and create a framework for planned or orderly development; (2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; (3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and (4) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences. Specifically, the R.C.2 zone was established to encourage continued agricultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses.

The question here is one of construction of the B.C.Z.R. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Hyrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Bevilacqua, 432 A.2d 661 (R.I., 1981).

The meaning of the words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the legislature. Perifoy v. Merc. Safe Dep. and Trust, 273 Md. 58, A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1974); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished. Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils of mischief sought to be remedied, of the evils of mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in the context of the purpose underlying (its) enactment. Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1972). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the legislature. Perifoy v. Merc. Safe Deposit and Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatwood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 293, 302 (1949), "(a) adherence to the meaning of words does not require or permit isolation of words from their context... (b) the meaning of the plainest words in a statute (since) may be controlled by the context...". In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B.F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 219, 226 A.2d 317 (1967); Height v. State, supra.

The application of the above principles to the B.C.Z.R. results in a clear finding that a non-density transfer of land, all of which is contained in the same zone, which results in a larger tract with no

additional development rights, is permitted. The purposes of the R.C.2 zone are supported by testimony in this matter in reference to the reasons for the larger tract.

In actuality, the resulting 9.9 acre +/- parcel will have no change in use and will retain its agricultural character.

After due consideration of the testimony presented, there is no evidence that the Petitioners' request will be detrimental to the health, safety or general welfare of the community if approved. Furthermore, this transfer will not change the density of the area or allow for over-development of the land, and it is the Commissioner's opinion that such transfer is within the spirit and intent of the R.C.2 zoning regulations.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 8th day of June, 1989 that the transfer of the non-density 4.7 acre +/- parcel in an R.C.2 zone to an adjacent 5.2 acre +/- parcel in an R.C.2 zone to create a single 9.9 acre +/- parcel with two density units; and additionally, the subdivision of the remaining land from the original 17.5 acre +/- tract known as the "Wildason Property", more specifically lots 1 and 2 bordering the eastern side of North Ruhl Road, having 4.0 acres +/- and 3.6 acres +/- respectively; all in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent upon the relief granted:

1. The subject non-density 4.7 acre +/- parcel to be combined with the 5.2 acre +/- parcel

thereby creating one 9.9 acre +/- parcel with two (2) density units shall be properly described as such in a redefinition or confirmatory deed and recorded among the Land Records of Baltimore County. Furthermore, the deed shall reference zoning case #89-425-SPH and shall, clearly, state that the newly created 9.9 acre +/- parcel may only be subdivided once, resulting in no more than two lots. Said deed shall be recorded among the Land Records of Baltimore County on or before October 1, 1989 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before October 15, 1989.

2. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

3. The Petitioners shall submit for approval to the appropriate Baltimore County agencies a new record plat containing notice of this case and setting forth and addressing restriction #1 of this Order. Furthermore, said plat, upon receiving the aforementioned approval, shall be recorded among the Land Records of Baltimore County prior to the issuance of any building permits, and a copy of said plat and proof of recordation shall be provided to the Zoning Commissioner within 30 days of recordation.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:mmm  
cc: Peoples Counsel

Theodore C. Denick, Esquire, 1400 Munsey Building, Calvert & Fayette Street, Baltimore, Maryland 21202

Mr. and Mrs. J. Sorrentino, 1301 Dartmouth Avenue, Balto. Md. 21234.  
Mr. and Mrs. Grant Colledge, 2324 E. Ruhl Road, Preakland, Md. 21053  
Mr. and Mrs. T. Herzberg, Jr., 3381/2 Townsend Rd., Balto. Md. 21221



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 587-3333  
J. Robert Haines  
Zoning Commissioner

June 8, 1989



Dennis F. Rasmussen  
County Executive

Theodore C. Denick, Esquire  
1400 Munsey Building  
Calvert and Fayette Streets  
Baltimore, Maryland 21202

RE: Petition for Special Hearing  
Case #89-475-SPH  
Grant C. Colledge, et ux,  
Bernard T. Herzberg, et ux,  
Joseph A. Sorrentino, et ux, Petitioners

Dear Mr. Denick:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
att.  
cc: Peoples Counsel  
cc: Mr. and Mrs. J. Sorrentino, 1301 Dartmouth Avenue, Balto. Md. 21234  
Mr. and Mrs. Grant Colledge, 2324 E. Ruhl Road, FreeLand, Md. 21053  
Mr. and Mrs. T. Herzberg, Jr., 3381/2 Townsend Rd., Balto. Md. 21221

# PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve a non-density transfer which would allow for the reconfiguration of two R.C.-2 zoned parcels of land, so as to establish 3 legal building lots.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing, advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):  
Bernard T. Herzberg  
(Type or Print Name)  
Signature  
Bernard T. Herzberg  
(Type or Print Name)  
Signature  
Joseph A. Sorrentino  
(Type or Print Name)  
Signature  
Joseph A. Sorrentino  
(Type or Print Name)  
Signature  
Grant C. Colledge  
(Type or Print Name)  
Signature  
Grant C. Colledge  
(Type or Print Name)  
Signature  
Address  
2324 East Ruhl Rd.  
FreeLand, Md. 21053  
City and State  
Attorney or Petitioner:  
(Type or Print Name)  
Signature  
Joseph A. Sorrentino  
(Type or Print Name)  
Signature  
Address  
1301 Dartmouth Ave. 21234  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Grant C. Colledge  
Name  
Address  
Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 6th day of April, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of May, 1989, at 2:30 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

ZCO-No.1 (over)

Beginning for the same on the west side of East Ruhl Road approximately 0.35 miles north of Peterson Road in the Sixth Election District of Baltimore County Maryland and running

- 1.) S 49° 17' 26" W 441.20 feet, thence
- 2.) N 78° 49' 49" W 218.62 feet, thence
- 3.) S 55° 05' 40" W 607.20 feet, thence
- 4.) N 40° 58' 58" W 354.75 feet, thence
- 5.) N 58° 48' 39" E 33.11 feet, thence
- 6.) N 8° 38' 30" W 540.47 feet, thence
- 7.) N 86° 48' 50" E 1317.72 feet, to East Ruhl Road, thence with it
- 8.) S 3° 11' 53" E 300.14 feet to the place of beginning

Containing 17.5314 acres of land more or less.

Being all of the following tracts or parcels of land:

- 1.) Claude Stanley Wildason and Katherine May Wildason, his wife, to Grant Colledge & Janna L. Colledge, his wife, by deed dated January 12, 1985 and recorded among the Land Records of Baltimore County Maryland in Liber E.H.K., Jr. 6865 folio 694 etc.

- 1.) Stanley Wildason and Katherine May Wildason, his wife, and Richard A. Pace, Sr. and Darlene E. Pace, his wife, to Grant C. Colledge and Janna L. Colledge, his wife, by deed dated July 23, 1986 and recorded among the Land Records of Baltimore County Maryland in Liber E.H.K., Jr. 7244 folio 722 etc.

MEMBER: Md Soc of Surveyors - W Va Assoc of Land Surveyors - ACSM - CCASE.

This Deed, Made this 6th day of November

in the year one thousand nine hundred and seventy-three, by and between RALPH G. STOFFEL and MARIE B. STOFFEL, his wife,

County of MONTGOMERY, State of Oregon, of the first part, and CLAUDE STANLEY WILDASON and KATHERINE MAY WILDASON, his wife, of Baltimore County, State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of five dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part

do hereby grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns and the survivor of them and the survivor's

heirs and assigns,

in fee simple, all that lot(s) of ground, situate, lying and being in

Baltimore County, State of Maryland, and described as follows, that is to say:-

Beginning for the same at an iron pipe herebefore set at the beginning of the second or north 77° 30' West 131.62 feet of that parcel of land firstly described in a deed from Daniel L. Phillips and Bertha I. Phillips, his wife, to Ralph G. Stoffel and Marie B. Stoffel, his wife, dated 14 October 1969 and recorded among the Land Records of Baltimore County in Liber R.R.G. 4216 page 266, running thence and binding on said second line, as now surveyed, viz:  
(1) North 77° 30' - 00" West 218.62 feet to a fence post heretofore set, running thence for new lines of division through and across the land of the herein named grantors the two following courses and distances, as now surveyed, viz:  
(2) North 12° - 57' - 01" East 536.60 feet to an iron pipe now set and intersect the first line of the aforesaid deed recorded in Liber R.R.G. 4216 page 266, running thence and binding on the remainder of said first line the two following courses and distances, as now surveyed, viz:  
(3) North 86° - 48' - 50" East 410.00 feet to an iron pipe now set on the westerly side of East Ruhl Road, thence running parallel with and 15.00 feet distant as measured westerly from the centerline of said road, as now surveyed,  
(4) South 03° - 11' - 00" East 300.00 feet to an iron pipe now set to intersect the first line of the aforesaid deed recorded in Liber R.R.G. 4216 page 266, running thence and binding on the remainder of said first line the two following courses and distances, as now surveyed, viz:  
(5) South 48° - 44' - 38" West 42.78 feet to an iron pipe heretofore set and continuing this same direction  
(6) South 48° - 44' - 38" West 399.39 feet to the beginning hereof. Containing 5.24 Acres of land, more or less, as surveyed by T. R. Stark & Associates, Inc. in October 1973.

BEING part of that tract of land described in a deed dated October 14,

PETITIONER'S EXHIBIT 6

W 23586  
FIELD RECORD  
Sample Source: 127-1  
N. Ruhl Rd.  
1266/200 21053  
JOHN WOOD  
717-235-6502  
Free Cl: 0  
pH: 5.5  
Total Cl: 0  
County: BALTO  
Bottle No: 23586 Collector: J. Law 86169  
Bacteriological analysis of this sample indicates the water is safe for human consumption. Thiosulfate

W 26577  
FIELD RECORD  
Sample Source: 127-1  
N. Ruhl Rd.  
1266/200 21053  
JOHN WOOD  
717-235-6502  
Free Cl: 0  
pH: 5.5  
Total Cl: 0  
County: BALTO  
Bottle No: 26577 Collector: J. Law 86169  
Bacteriological analysis of this sample indicates the water is safe for human consumption. Thiosulfate

W 24433  
FIELD RECORD  
Sample Source: 127-1  
N. Ruhl Rd.  
1266/200 21053  
JOHN WOOD  
717-235-6502  
Free Cl: 0  
pH: 5.5  
Total Cl: 0  
County: BALTO  
Bottle No: 24433 Collector: J. Law 86169  
Bacteriological analysis of this sample indicates the water is safe for human consumption. Thiosulfate

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
W/S of E. Ruhl Rd., .35 miles N  
of Peterson Rd. (21625 W. Ruhl  
Rd.), 6th Election District;  
3rd Councilmanic District.  
GRANT C. COLLEDGE, et ux, : L.se No. 89-475-SPH  
BERNARD T. HERZBERG, JR., et ux,  
JOSEPH A. SORRENTINO, et ux, :  
Petitioners : : : : :  
ENTRY OF APPEARANCE  
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
887-2188

I HEREBY CERTIFY that on this 16th day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to Theodore C. Denick, Esquire, Bass & Denick, P.A., 1400 Munsey Bldg., 7 N. Calvert St., Baltimore, MD 21202; and John Contrum, Esquire, 809 Eastern Ave., Baltimore, MD 21221.

Peter Max Zimmerman  
Peter Max Zimmerman

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS  
Joseph A. Sorrentino 1301 DARTMOUTH AVE  
Grant C. Colledge 21234  
Bernard T. Herzberg 338 1/2 Townsend Rd  
Lorraine M. Herzberg 338 1/2 Townsend Rd  
Theodore C. Denick 1400 Munsey Bldg

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 6th Date of Posting: April 28, 1989  
Posted for: Special Hearing  
Petitioner: Grant C. Colledge, et ux, Bernard T. Herzberg, Jr., et ux, Joseph A. Sorrentino, et ux  
Location of property: W/S of East Ruhl Road, .35 miles N. of Peterson Road, 6th Election District, 3rd Councilmanic District  
Location of Sign: W/S of East Ruhl Road, .35 miles N. of Peterson Road, 6th Election District, 3rd Councilmanic District  
Remarks:  
Posted by: J. J. Haines Date of return: May 5, 1989  
Number of Signs: 1

# CERTIFICATE OF PUBLICATION

TOWSON, MD., May 1, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 27, 1989.

THE JEFFERSONIAN  
TOWSON TIMES,  
S. Zabe Orkin  
Publisher

PO 11997  
M 28921  
89-475-SPH



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

April 17, 1989



Mr. and Mrs. Joseph Sorrentino  
1301 Dartmouth Avenue  
Baltimore, Maryland 21234

RE: Lot 1, North Ruhl Road, Freeland Md.  
Item 415 - Petition for Special Hearing

Dear Mr. and Mrs. Sorrentino:

I am in receipt of your letter of April 11, 1989. I am well aware of your problem and, I also understand the dilemma that you are faced with. However, your complaint is not with Baltimore County or the Baltimore County Zoning Commissioner.

The real problem has been created by the actions of your Seller. The property should not have been subdivided and sold as it was. I have personally interceded in this matter and if a resolution is possible, I will attempt to reach it for you.

I respectfully suggest that you consult a private attorney concerning your rights and legal recourse. However, I must reiterate that the laws of Baltimore County are being properly enforced. It is regrettable that you find yourself in this position. I will attempt to have your case set in for hearing as early as possible. Please remember, it is your responsibility to establish that the relief you seek can and should be granted.

Very truly yours,

J. Robert Haines  
Zoning Commissioner

JRH:mmm

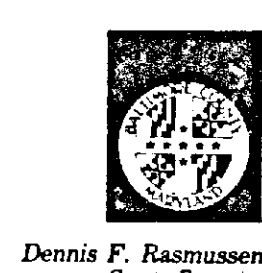
page 2.....  
April 17, 1989

cc: Mr. and Mrs. Bernard T. Herzberg, Jr.  
338 1/2 Townsend Road  
Baltimore, Maryland 21221

Mr. and Mrs. Grant S. Colledge  
2324 E. Ruhl Road  
Freeland, Maryland 21053

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

February 9, 1989



A. Thomas Rayner  
2844 Grier Nursery Road  
Forest Hill, MD 21050

RE: 21625 North Ruhl Road  
6th Election District

Dear Mr. Rayner:

Based on the information provided by you at the zoning counter and a phone conversation with A.L. Snyder, P.L.S. and our research, the following information has been determined:

The property known as 21625 North Ruhl Road in the 6th Election District is currently zoned R.C.-2 (Resource Conservation - Agricultural Preservation). The parcel of ground known as "Lot 2, Wildasen Property" found in Baltimore County Land Records on Liber 7235, Folio 386, was created from a parcel described in Liber 5420, Folio 208, as were the parcels identified as "Lot 1" and "a remainder 4.70118 acres".

This appears to be in conflict with Baltimore County Zoning Regulations, Sec. 1A01.3.B.1 (see enclosure) and as such the building permit can not be approved at this time.

In order to approve a building on this lot, a Special Hearing for a non-density transfer must be applied for and granted. Along with the standard information needed to file a petition for a Special Hearing, the following information will also be needed at the filing date:

The information should include, but not be limited to:

- 1.) Deeds that show the two parcels boundaries and ownership at the time of the R.C.-2 regulation's effective date (November 25, 1979).
- 2.) All the Deeds that reflect changes in ownership or tract boundaries through the present date.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

April 20, 1989



Mrs. Lorraine Herzberg  
338-1/2 Townsend Road  
Baltimore, MD 21221

RE: 21625 North Ruhl Road  
6th Election District

Dear Mrs. Herzberg:

After reviewing your letter dated April 3, 1989, it is my considered opinion that the issuance of a conditional use permit cannot be granted. This decision stems from the fact that, at the moment, you do not have a legal building lot. This office will be unable to give a permit application review until a decision of Case No. 89-475-SPH has been rendered.

Very truly yours,

J. Robert Haines  
Zoning Commissioner

JRH:CAM:scj

A. Thomas Rayner  
February 9, 1989  
Page 2

- 3.) Progressive time, sketches of all the property descriptions, color coded to clarify ownership.
- 4.) Signature and seal of Title Attorney, Land Surveyor, or Professional Engineer.
- 5.) A cover letter outlining the history and reiterating your request should also be submitted.

If you have any questions regarding this matter, I may be reached at 887-3391.

Very truly yours,

JAMES E. DYER  
Zoning Supervisor

By: Catherine A. Milton  
Planning & Zoning Associate II

CAM:scj

cc: Thomas Herzberg  
338-1/2 Townsend Road  
Baltimore, MD 21221

A.L. Snyder, P.L.S.  
1911 Hanover Pike  
Hampstead, MD 21074

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 5/2/89

Mr. & Mrs. Grant Colledge  
2324 East Ruhl Road  
Freeland, Maryland 21053

Re: Petition for Special Hearing  
Case Number: 89-475-SPH  
Hearing Date: 5/16/89 at 2:30 p.m.

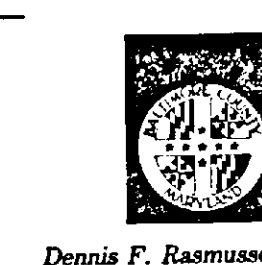
Dear Mr. & Mrs. Colledge:

Please be advised that \$115.65 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED  
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it to the Zoning Office, County Office minutes before

|                                      |                     |            |  |
|--------------------------------------|---------------------|------------|--|
| BALTIMORE COUNTY, MARYLAND           |                     | No. 037001 |  |
| OFFICE OF FINANCE - REVENUE DIVISION |                     |            |  |
| MISCELLANEOUS CASH RECEIPT           |                     |            |  |
| DATE 5/16/89                         | ACCOUNT REC-615-000 |            |  |
| AMOUNT \$ 115.65                     |                     |            |  |
| RECEIVED FROM: Grant A. Colledge     |                     |            |  |
| FOR: 89-475-SPH Hearing              |                     |            |  |
| B 81100000110000 17.1                |                     |            |  |
| VALIDATION OR SIGNATURE OF CASHIER   |                     |            |  |

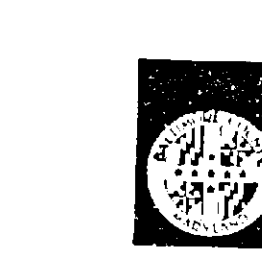


Dennis F. Rasmussen  
County Executive

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

April 13, 1989

### NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
CASE NUMBER: 89-475-SPH  
W/S of East Ruhl Road, .35 miles North of Peterson Road  
21625 N. Ruhl Road  
6th Election District - 3rd Councilmanic  
Petitioner(s): Grant G. Colledge, et ux  
Bernard T. Herzberg, Jr., et ux  
Joseph A. Sorrentino, et ux  
HEARING SCHEDULED: TUESDAY, MAY 16, 1989 at 2:30 p.m.

Special Hearing: A non-density transfer which would allow for the reconfiguration of two R.C. 2 zoned parcels of land, so as to establish 3 legal building lots.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
Zoning Commissioner of  
Baltimore County


cc: Grant G. Colledge, et ux  
Bernard T. Herzberg, Jr., et ux  
Joseph A. Sorrentino, et ux  
Theodore C. Denick, Esq.  
John Gorman, Esq.  
File



1. Deed dated November 6, 1973 to Wildason of 5.24 acres (Liber 5407, folio 59)
2. Deed dated January 9, 1974 to Wildason of 12.31 acres (Liber 5420, folio 209)
3. Deed dated June 12, 1985 to Colledge of 12.31 acres (Liber 6865, folio 694)
4. Deed dated July 23, 1986 to Colledge of 5.24 acres (Liber 7244, folio 722)
5. Deed dated July 22, 1986 to Colton-Pace of Lot 1 containing 4.00505A+ (Liber 7235, folio 395)
6. Deed dated July 22, 1986 to Colton-Pace of Lot 2 containing 3.5984A+ (Liber 7235, folio 393)
7. Deed dated July 29, 1987 to Smith (Walker Howard Smith, III and Toni Huffman Smith) of Lot 2 (Liber 7634, folio 419) and recorded (Liber 7758, folio 342)
8. Deed dated January 22, 1988 to Herzberg (Bernard Thomas Herzberg, Jr. and Lorraine M. Herzberg) of Lot 2 (Liber 7781, folio 770)
9. Deed dated April 16, 1988 to Sorrentino (Joseph Angelo Sorrentino and Marie Sorrentino) of Lot 1 (Liber 7543, folio 789).

mpn.bx

Our future neighbors the Herzbergs on Lot 2 have already sold their home and are living with relatives and have all their belongings in storage. They also have small children who would like to start school there in the fall. If we have to wait until June 1st for a hearing date the cost of construction will increase and neither family can afford this. We could all lose everything we have worked so hard for.

  
 Attached are some attachments which might help you in this matter.

I was making this an Epistle as I have  
quite afternoon on the 1<sup>st</sup> my sermon which was  
to have the rock was held up by John Giddens  
because of the problem with the Scholasticism. This  
means we bring home a hard one. What sale  
will it be as to proceed all right, not be able to  
hold.

- 1.) Deeds that show the two parcels boundaries and ownership at the time of the R.C.-2 regulation's effective date (November 25, 1979).
- 2.) All the Deeds that reflect changes in ownership or tract boundaries through the present date.

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

I am therefore putting you on notice as to my future intentions in this matter and hoping that this situation can be resolved in a friendly agreeable solution for all concerned.

Joseph & Marie Sorrentino

NLSN    (SC) 1569-01   \*\* A C T I V E \*\*  
     N RURAL ROAD   ZIP: 21083   MAP: BOOZE  
 LOT NO.: 1   LOT AREA:  
 LOTS/LP/PARCEL INFO: ACRES: 4.00 FRONT FT: 895   TYPE PROPERTY: SCATTERED LOT  
 ZONING REC'D: 3566-P

DESCRIPTION: GENTLY ROLLG DEND ST   0-10% MOISTURE -25% FLOOD   PHONE LINES  
 DENSITY: # LOTS = 1 MAX SITES=1   DENSTY = 1  
 COUNTY RD   TAX & CHIP   PAWNSCOUNTRY  
 UTILITIES: PERMITS   EXISTING WELL BRINGS W/WIN ELECTRIC  
 ACCESS: FEET : NOS.

FEATURES: STREAM   SURVEY RECORDED PLAT LEGAL SUBDIV PERMIT AND CST  
 LOT LIBERTY 725'S FULL TO 395'   DEPTHS 100' PARCELS 100x80  
 ANNUAL TAXES \$297 UTILITY BAL:

LORRAINE CONVOY   RT: .00% YRS./MO/OCC.  
 LAND-DATA/HOTICE

DIRECTIONS : ON MIDLETON RD. TO B.O.N. R.W.H.L. TO L.ON N.R.UHL.TOWHSETT  
 REMARKS >>> BEAUTIFUL LEVELLED SITE WITH HIGH-ELEVATION GRASSING VIEW OF  
 RESTRICTION : THE COUNTRY SIDE-TIERD FOR PRIVATE HOME HOMES IN THE AREA  
 NOTES >>>  
 SHOWN \*>> CALL OFFICE SETTLEMENTSDOTA'  
 MARYLAND  
 LOB: RICHAUD JEFFREY   PHN: 325E-6802   SR#: CWXQ   TL# ER  
 LR: 4217   COLTON PLACE   PHN: 301-922-2507 NSR#: GC14AG315-01  
 \* ALL DIMENSIONS ARE APPROXIMATE, ANY ADJUSTMENTS, EQUIPMENT, AND/OR  
 \* IMPROVEMENTS LISTED MAY NOT EXIST IN ALL PORTIONS OF THE  
 \* INFORMATION PROVIDED HEREIN IS BASED UPON OTHER INFORMATION LISTED ABOVE IS NOT  
 \* GUARANTEED BY THE BROKER OR COMPAS.







**UNIMPROVED LAND/LOT**  
OPF 8/85

**LIBER 7235**  
FOLIO 395  
MLS # 156915-1  
OFF # 6900

Listing Office: **CENTURY 21 COLTON PACE** Phone: **472-2507**  
Listing Associate: **RICHARD WAKEMAN COLTON**  
Selling Office: **CONOR PIER & FLANN** Phone: **252-2111**  
Selling Associate: **TUA STAMAS**

THIS AGREEMENT OF SALE, made this 27th day of FEBRUARY, 1987, between (Name) **COLTON PACE, INC.** (Licensee Realtors acting on their own behalf) Seller (Address) **Market Square, Shreveport, LA 71361** and (Name) **JOSEPH ANGELO SORRENTINO, AND MARIE ANNA SORRENTINO** Buyer (Address) **1301 DARTMOUTH AVE., BALTIMORE, MD., 21204**

Witness that Seller does hereby bargain and sell unto Buyer, and Buyer does hereby purchase from Seller the following described fee simple/leasehold property, known as **D. N. Ruhl Road Lot #1, Block 20, (Zoning RC-2)**

lying in **BALTIMORE** County of State of Maryland, including improvements thereon and all rights and appurtenances thereto belonging or in anywise thereto appertaining AT and for the sum of **THIRTY SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$ 37,500.00)** of which a deposit of **TWO THOUSAND AND 00/100 DOLLARS (\$ 2,000.00)** has been paid at the signing hereof, the receipt of which is hereby acknowledged, the balance to be paid as follows: An additional sum of **\$ 35,500.00** within **20** days from the date of contract, and the remaining balance of the purchase price will be paid to Seller in cash at settlement which shall be on **APRIL 17, 1987** or sooner by mutual agreement between the parties.

**FINANCING:** Buyer expressly agrees to apply for a **NA** mortgage loan within seven (7) days from the date of contract, to provide all necessary papers and information required to complete processing of such application, and to otherwise diligently and in good faith make all necessary steps to secure a **NA** year mortgage loan in the amount of **\$ 35,500.00** with initial interest thereon not to exceed **NA** % per annum (this interest rate may be fixed, variable or graduated) and with a loan placement fee (or charge of a like nature) not exceeding in the aggregate **NA** % of which Seller agrees to pay the first **NA** % and Buyer agrees to pay the next **NA** %.

**ALTERNATE FINANCING:** It is further understood and agreed should Buyer make application for financing through a lending institution or other source whereby the interest, terms of payment, or amount of loan differs from the financing conditions hereinbefore set forth, then upon notification to the Buyer from said lending institution or party that the financing as applied for has been approved and a loan commitment granted, the preceding mortgage conditions of this agreement shall be deemed to have been fully satisfied and of no further effect, provided said differing mortgage terms do not increase closing costs to Seller or exceed the time allowed to secure the mortgage commitment as called for above.

**CONCURRENCE TRANSFER TAX:** Buyer is hereby notified by Seller that if property to be purchased is presently assessed for taxation on the basis of agricultural use, this purchase and sale of the property may require the State to impose an agricultural transfer tax as provided for in Art. 81, Section 278 of the Annotated Code of Maryland. These taxes if imposed are to be paid entirely by the Buyer. The seller hereby advises Buyer that the current use for tax assessment is **RC-2**.

**RESIDENTIAL:** **NA**

**INCLUSIONS:** Included in the purchase price shall be all permanently attached fixtures, structures of any kind, fences, and posts, if any. Also included are all trees, shrubs, bushes and other material growing or naturally in place on the land. Specifically excluded are all crops and emblements in place at time of execution of this contract.

**SPECIAL CONDITIONS:** This agreement may be subject to any of the following conditions and representations which, if indicated as applicable by being marked with an "X", Buyer hereby acknowledges to have received and accepted. Such items are to be considered part of this agreement.

..... Copy of Declaration of Restrictive Covenants concerning con- ..... Master Plot Plan and/or survey.  
..... Copy of Declaration of Restrictive Covenants concerning con- ..... Copy of any right-of-way or easement agreement.  
..... Copy of Recorded Subdivision Plat: ..... Land percolation test report.  
..... Copy of Recorded Subdivision Plat: ..... Well test report.

**ITEMS LISTED IN SECTION 5 OF THIS CONTRACT BE GIVEN WITHIN 10 DAYS OF THE ABOVE CONTRACT DATE.**

THIS CONTRACT IS CONTINGENT UPON BUYERS SECURING A HOME EQUITY LOAN IN THE AMOUNT OF **\$16,000.00** ON **1301 DARTMOUTH AVE. (PRIMARY RESIDENCY)** WITHIN 14 DAYS OF THE ABOVE CONTRACT DATE.

**DEPOSIT AND FEES:** Seller recognizes **CENTURY 21 COLTON PACE** Realtor, as the listing broker negotiating this Agreement, and agrees to pay said Realtor the brokerage fee for services rendered in the amount provided in the listing agreement between Seller and listing broker. These fees shall be deemed earned as of the date of the execution of this Agreement or the date of closing, whichever occurs first, and shall be paid by Seller to said Realtor. Failure of Seller to perform hereunder shall not release Seller from liability for these fees. As a convenience to Seller and not as a limitation upon Seller's duty to pay the same to the Realtor, deposit monies submitted herewith shall be held in escrow in accordance with the provisions of the Annotated Code of Maryland by the Listing Broker, and shall subsequently be distributed in accordance with this Agreement.

**ADDENDUMS:** There are **ONE** Addendum(s) which have been signed by the parties and are intended to be part of this Agreement and to be enforced as a part hereof.

**"THE CONDITIONS ON THE REVERSE SIDE OF THIS AGREEMENT FORM A PART OF THIS AGREEMENT"**

Baltimore County  
Fire Department  
Townson, Maryland 21204 2586  
494-4300

Paul H. Reinke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Townson, MD 21204

Dennis F. Rasmussen  
County Executive

Re: Property Owner: Grant C. Colledge, et ux;  
Bernard Thomas Herzberg, Jr. et ux; Jos. A. Sorrentino, et ux  
Locations: W/S of East Ruhl Road, .35 miles N of Perterson Road

Item No.: 415 Zoning Agenda: April 18, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or        feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at        EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1988 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER:        Noted and Approved:         
Planning Group Fire Prevention Bureau  
Special Inspection Division

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Townson, Maryland 21204

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Long Administration  
Industrial Development

Theodore C. Denick, Esquire  
Bass & Denick, P.A.  
1400 Munsey Building  
7 N. Calvert Street  
Baltimore, MD 21202

RE: Item No. 415, Case No. 89-475-SPH  
Petitioner: Bernard T. Herzberg, Jr., et al  
Petition for Special Hearing

Dear Mr. Denick:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

89-475-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Townson, Maryland 21204

Your petition has been received and accepted for filing this 6th day of April, 1989.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Bernard T. Herzberg, Jr. Received by: James E. Dyer  
Attorney: Theodore C. Denick et al Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner DATE: May 16, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-475-SPH  
Item No. 415

Re: Bernard T. Herzberg, et al

The Petitioners request a special hearing to approve a non-density transfer to reconfigure Two RC 2 parcels of land to create three building lots. In reference to this request, staff offers the following comments:

This office has no objection to the lot reconfiguration as shown as long as it is clearly stated on the deed for the 4.70 acre parcel that there is no density associated with that parcel. If an additional lot is to be created, it must be divided from the 5.23 acre parcel belonging to Colledge.

A:51689.txt Pg.9

SUPPLEMENTAL  
PLAT TO  
CASE NO. 89-475-SPH  
ITEM NO. 415  
APPROVED  
DATE: 5/16/89  
BY: [Signature]  
89-475-SPH  
ITEM NO. 415  
APPROVED  
DATE: 5/16/89  
BY: [Signature]

IF ANY PRODUCE CALL

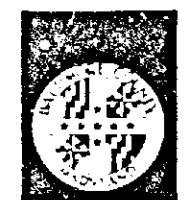
GRANT COLLEDGE

329-6020 (H)

244-3319 (C)

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Townson, Maryland 21204  
(801) 887-3354

April 25, 1989



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Townson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 352, 388, 415, 418, 419, 420, 421, 422, and 423.

Very truly yours,

Michael S. Planigan  
Michael S. Planigan  
Traffic Engineer Assoc. II

MSF/lab

RECEIVED  
MAY 23 1989  
ZONING OFFICE

THIS DEED OF CONSOLIDATION, made this 19th day of September, 1989, by and between GRANT G. COLLEDGE and JANNA L. COLLEDGE, his wife, parties of the first part, and GRANT G. COLLEDGE and JANNA L. COLLEDGE, his wife, parties of the second part.

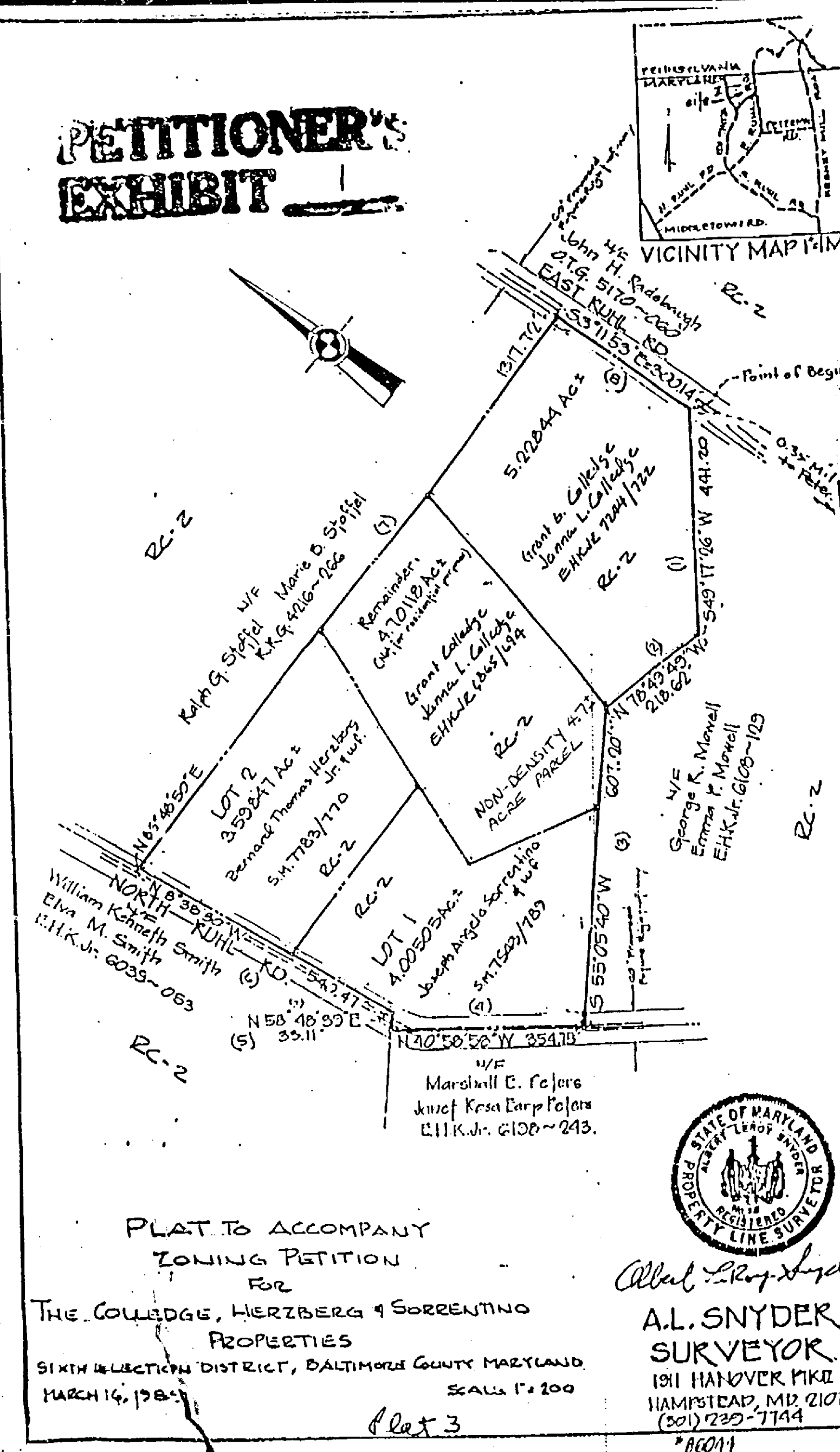
WHEREAS, Grant G. Colledge and Janna L. Colledge, his wife, acquired 17.53314 acres of land, more or less, from CLAUDE STANLEY WILDASON, also known as STANLEY WILDASON, and KATHERINE MAY WILDASON, his wife, by virtue of two Deeds recorded among the Land Records of Baltimore County, one dated January 12, 1985 recorded in Liber E.H.K., Jr. No. 6865, Folio 694 and the other dated July 23, 1986 and recorded in Liber E.H.K., Jr. No. 7244, Folio 722; and WHEREAS said parcels were subsequently sub-divided as will appear from a Plat recorded among the Land Records in Liber E.H.K., Jr. No. 7234, Folio 40, a copy of which is attached hereto as an Exhibit; by subsequent conveyances, title to Lot 1 became vested in Joseph Angelo Sorrentino and Marie Ann Sorrentino by a Deed dated April 16, 1987 and recorded among the aforesaid Land Records in Liber S.M. No. 7543, Folio 489; and

WHEREAS, Lot No. 2 became vested in Bernard Thomas Herzberg, Jr. and Lorraine M. Herzberg, his wife, by virtue of a Deed dated January 22, 1988 and recorded as aforesaid in Liber S.M. No. 7783, Folio 770; and

WHEREAS, when the said Joseph A. Sorrentino and wife and Bernard T. Herzberg, Jr. and wife applied for building permits it was learned that special action was required before the Zoning Board of Baltimore County, which action will appear from Case No. 89-475-SPH and that as a result thereof and Order was passed on June 8, 1989 which would permit individual building permits to be issued for the Sorrentino Parcel and Herzberg Parcel provided the Grantors herein combined and consolidate their remaining parcels and set forth in the Deed of Consolidation a clear reference to the above entitled case and certain limitations on future sub-division thereof.



# PETITIONER'S EXHIBIT



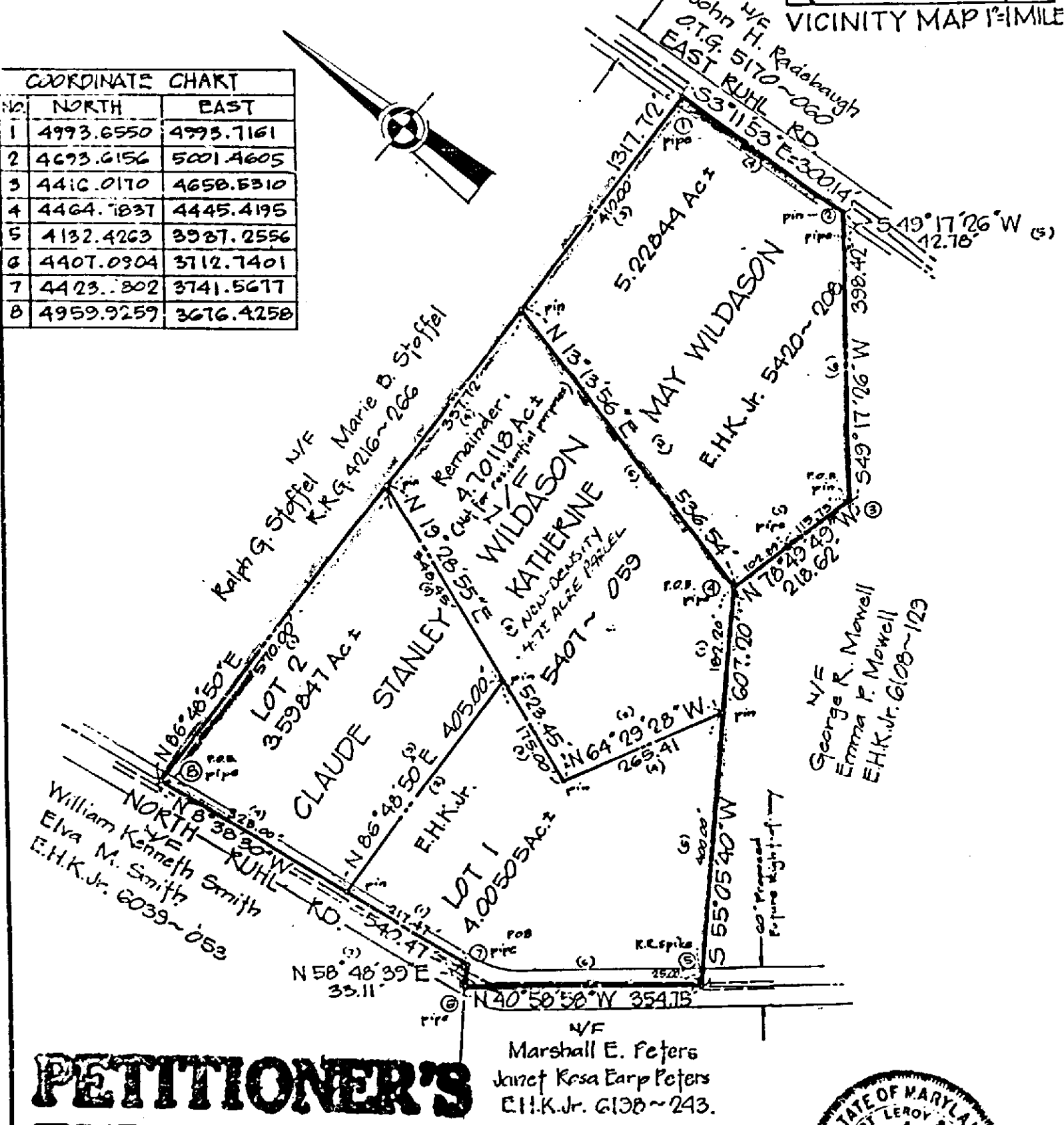
# PETITIONER'S EXHIBIT 1A

PLAT OF  
THE WILDASON PROPERTY  
4th Election District, Baltimore County, Md.  
Census Tract 4020  
Scale: 1" = 200' Date: July 15, 1986

AL SNYDER  
SURVEYOR  
191 HANOVER PIKE  
HAMPSTEAD, MD 21074

- Notes:
1. Current title references: Claude Stanley Wildason & Katherine May Wildason 5401-053, 5420-208.
  2. Current zoning: RC-2.
  3. Density: 0.162540
  4. Area: (5401-053) 12.38465 Acres  
(5420-208) 5.22844 Acres
  5. Coordinates are based on assumed datum.

| COORDINATE CHART | NORTH     | EAST      |
|------------------|-----------|-----------|
| 1                | 4973.6550 | 4973.7161 |
| 2                | 4973.6550 | 5001.4605 |
| 3                | 4410.0110 | 4658.5910 |
| 4                | 4410.0110 | 4445.4195 |
| 5                | 4132.4263 | 5327.2554 |
| 6                | 4407.0904 | 5112.7401 |
| 7                | 4423.802  | 5141.5511 |
| 8                | 4959.9259 | 5216.4258 |



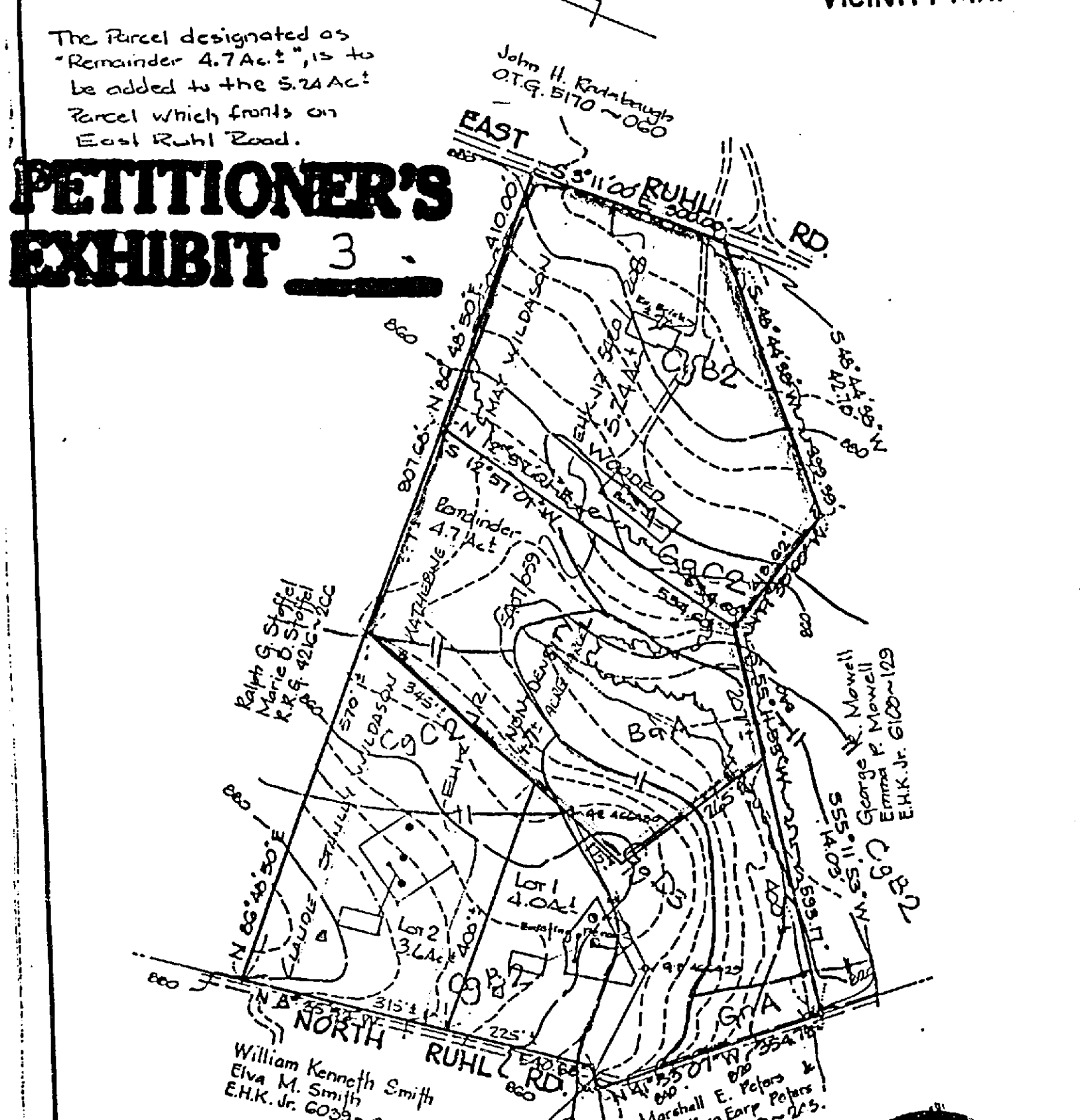
# PETITIONER'S EXHIBIT 2

PLAT  
OF

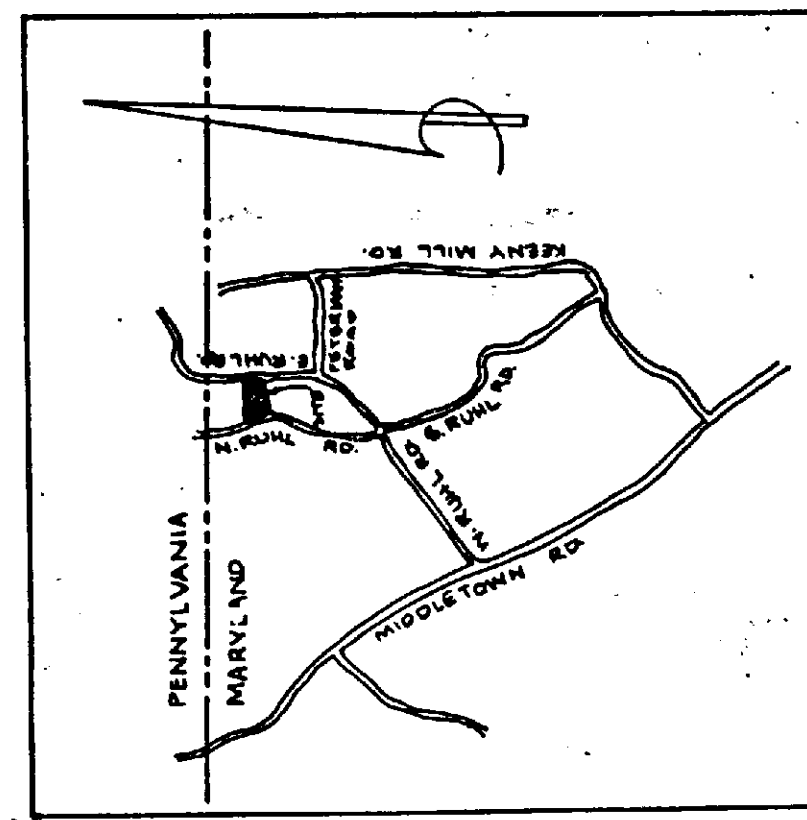
# PETITIONER'S EXHIBIT 3

Notes:

1. Current title references: Claude Stanley Wildason and Katherine May Wildason 5401-053, 5420-208.
2. Current zoning: RC-2.
3. Density: 0.162540
4. Area: (5401-053) 12.38465 Acres  
(5420-208) 5.22844 Acres
5. Coordinates are based on assumed datum.



-PLAN-



STREETS AND OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEED ARE FOR DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE E805 THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

1. THIS PLAT MAY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF CODE SECTION 21-201, BALTIMORE COUNTY, MARYLAND, AT NO COST.

2. STREETS AND OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEED ARE FOR DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE E805 THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

3. THIS PLAT MAY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF CODE SECTION 21-201, BALTIMORE COUNTY, MARYLAND, AT NO COST.

4. RECORDING OF THIS PLAT DOES NOT CONSTITUTE AN IMPLY ACCEPTANCE BY THE COUNTY, OF ANY STREET EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.

5. THE INFORMATION SHOWN ON THIS PLAT MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.

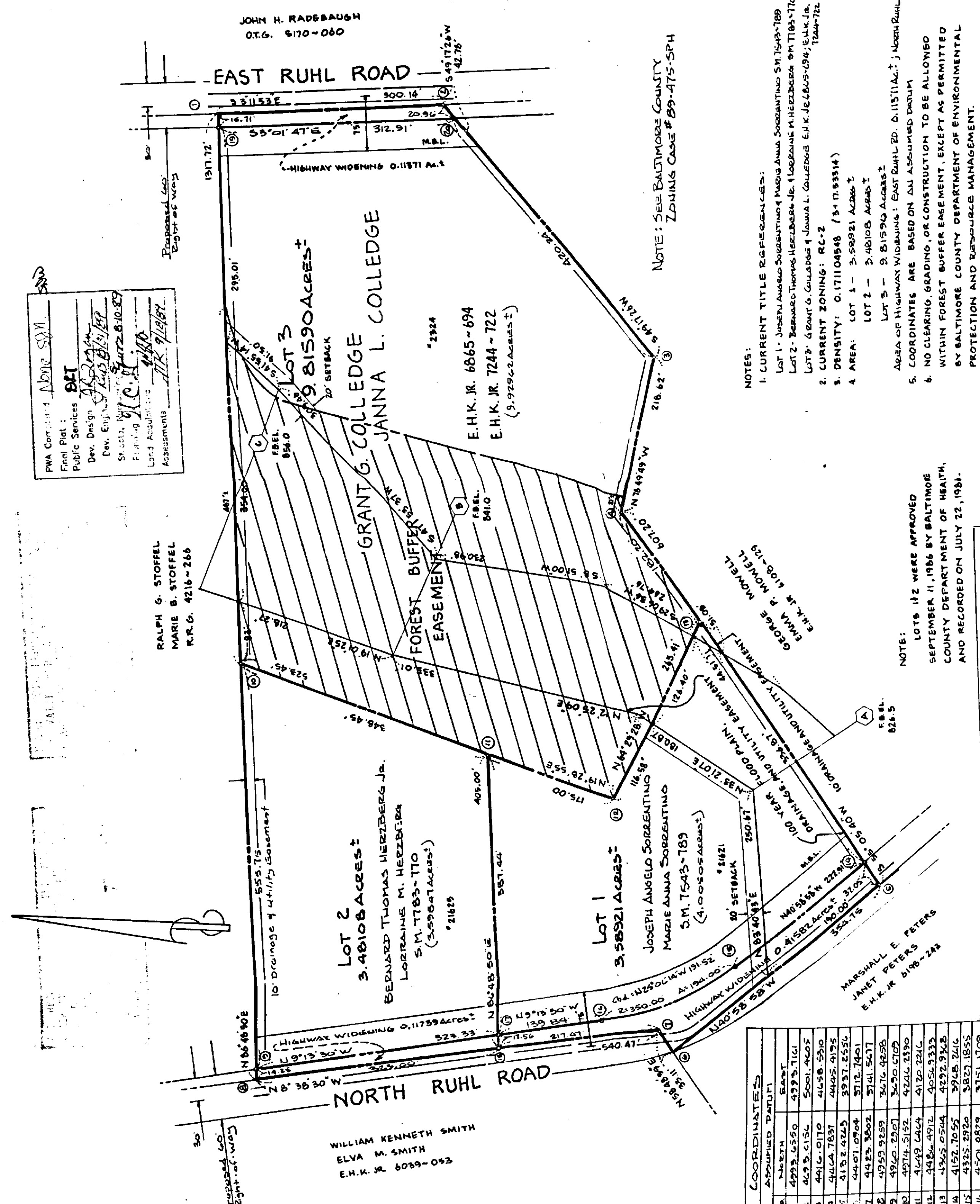
6. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES.

7. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE AN IMPLY ACCEPTANCE BY THE COUNTY, OF ANY STREET EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.

8. THE INFORMATION SHOWN ON THIS PLAT MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.

9. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE AN IMPLY ACCEPTANCE BY THE COUNTY, OF ANY STREET EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.

10. THE INFORMATION SHOWN ON THIS PLAT MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.



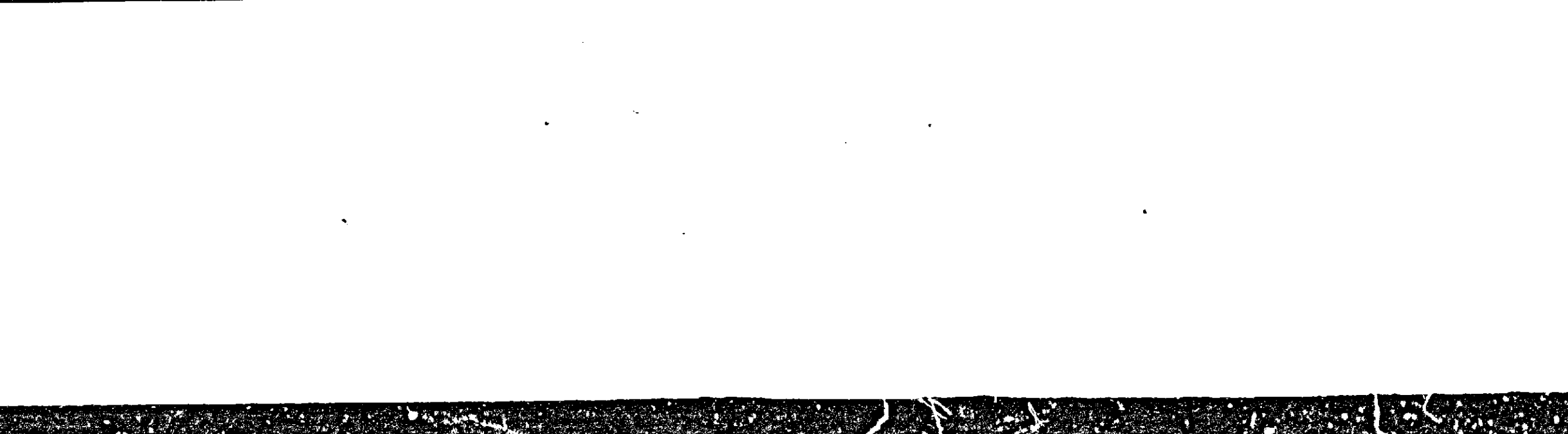
NOTE: SEE BALTIMORE COUNTY ZONING CODE § 21-201-5P4

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